

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.D. AUDIKESAVALU

Writ Appeal No. 551 of 2019

&

C.M.P. No. 4769 of 2019

1. The Commissioner of Municipal
Administration, Chepauk,
Chennai - 600 005.
2. The Regional Director,
Municipal Administration,
Tirupur.
3. The Commissioner,
Dharapuram Municipality,
Dharapuram. ..Appellants

Vs.

M. Muthukumar ..Respondent

Prayer: Writ Appeal filed under section 15 of Letters patent
Act to set aside the order dated 03.01.2019 passed in W.P. No.
32832 of 2018.

Writ Petition filed under Article 226 of the Constitution of
India seeking issuance of Writ of Certiorarified Mandamus to
call for records relating to the order passed by the first
respondent dated 03.12.2018 in Na.Ka.No.7055/2015/K1 Quash the
same and consequently direct the respondents to allow the
petitioner to continue to working in Dharapuram Municipality as
Manager.

For Appellants :: Mrs.A. Srijeyanti
Special Govt. Pleader

For Respondent :: Mr.P. Wilson,
Senior Counsel for
Mr.G. Sankaran

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN, J.)

The order transferring the respondent from Dharapuram Municipality to Cuddalore Municipality was set aside by the learned Single Judge and a direction was issued to post him at Karur taking into account the vacancies in the said District. Feeling aggrieved by the said order, the State has come up with this intra-court appeal.

2. The learned Special Government Pleader appearing on behalf of the appellants contended that the transfer was made in larger public interest and as such, the learned Single Judge was not correct in setting aside the order.

3. The learned Senior Counsel for the respondent by quoting the Government Order in G.O.Ms. No. 10 Personnel and Administrative Reforms (PER S) Department dated 7 January, 1994 contended that transfer should be made only during the transfer period meaning thereby from 1 April to 30 June of every year. According to the learned counsel, the present transfer made on 3 December, 2018 was rightly set aside by the learned Single Judge.

4. The transfer in question was made on 3 December, 2018. The respondent was transferred from Dharapuram Municipality to Cuddalore Municipality treating it as an administrative transfer. The learned Single Judge quashed the said order on 3 January, 2019 and directed the appellants to accommodate the respondent in the vacancies available in Karur District.

5. The only ground taken by the respondent in the writ petition appears to be the frequent transfers and malafide exercise of power during the non-transfer period by the Local Administration Department. Since the transfer season has already commenced from 1 April of this year, we are of the view that there is no need to set aside the order passed by the learned Single Judge.

6. It is open to the appellants to pass a fresh order for transfer taking into account the administrative exigencies.

7. The intra-court appeal is disposed of with the above observation. No costs. Connected C.M.P. is closed.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

Nv

TO.

1. The Commissioner of Municipal
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Chennai - 600 005.
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Tirupur.
3. The Commissioner,
Dharapuram Municipality,
Dharapuram.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.34311
+1cc to the Government Pleader, S.R.No. 35301

W.A. No. 551 of 2019

VD(CO)
GN(04/06/2019)



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